

Kansas Dental Board
Minutes of July 24, 2009

The Kansas Dental Board met on July 24, 2009, at 9:00 a.m. in Rm 108 Landon State Office Bldg, Topeka, Kansas.

1. MEETING CALLED TO ORDER: Dr. Richard Damall, DDS, President called the meeting to order at 9:01 am.

MEMBERS PRESENT: Dr. Richard Damall, DDS, President; Ms. Jane Criser, RDH, Vice President; Ms. Denise Maus, RDH, Secretary; Dr. Karen Callanan, DDS; Dr. Roger Stevens, DDS; Jim Showalter, Public Member; Dr. Michael Milford, DDS; and Dr. Glenn Hemberger, DDS.

STAFF PRESENT: Mr. Randy Forbes, attorney for the Board; Betty Wright, Executive Director; Dr. Steven Johnson, DDS, Board inspector and Melissa Graham, Admin. Officer.

ABSENT: Dr. Richelle Roy, DDS.

2. APPROVAL OF AGENDA: It was moved and seconded to approve the agenda with a report by Dr. Stevens regarding WREB to be added. The motion to approve the agenda as modified passed.

3. APPROVAL OF MINUTES: It was moved and seconded to approve the April 10, 2009 minutes. The motion passed.

4. It was moved and seconded to adjourn the Board meeting for the Public Hearing on the Practice of Dentistry proposed regulation. The motion passed.

5. The public hearing on Practice of Dentistry KAR 71-11-1 began at 9:03 a.m.

The board received written comments from:

Joint Committee on Administrative Rules and Regulations; Kansas Dental Association (KDA); Andrew Moore, DDS; Marilyn Ward, DDS; Charles Squire, DDS; Norma Mosier; David Jones, DDS; John Adams, DDS; Jennifer Williams Tinnel, DDS; Gordon Ediger, DDS; Connie Andrews, DDS; Bert Oettmeier, DDS; Kiffany Suernram; John Champion; Grisel Wiley; Rhonda Raithel; Sue Mueller; Sherry Maher; and Owen de Long. There was public comment from Vince Sanders; Owen de Long; Sherry Maher; Kevin Robertson (KDA); and Gilbert Omidio, DDS.

It was moved and seconded to close the public hearing after all comments were made. The public hearing was closed at 9:30 a.m.

BOARD MEETING RECONVENED: At 9:30 a.m. President Damall reconvened the Board meeting.

The board discussed the public comments. They agreed that the suggestion by the Joint Committee on Administrative Rules and Regulations to add "for a fee" within the regulation would not be adopted. After further discussion regarding the alteration of prosthetic teeth, the board agreed that they would interpret this regulation as not applying to the fabrication or repair of prosthetic teeth when performed by prescription of a licensed dentist.

It was moved and seconded to adopt the permanent regulation KAR 71-11-1. A roll call vote was taken with the following votes: Damall-yes; Criser-yes; Maus-yes; Callanan-yes; Stevens-yes; Showalter-yes; Hemberger-yes; Milford-yes. The regulation was adopted.

ADJOURNMENT: The Board meeting was adjourned for a break at 10:02 a.m.

RECONVENE: President Damall reconvened the meeting at 10: 12 a.m.

6. REPORT OF THE PRESIDENT. Two new members of the board were formally welcomed: Dr. Glenn Hemberger, DDS and Dr. Michael Milford, DDS. Dr. Stevens was congratulated on being reappointed for his second term. Dr. Higgerson was appreciated for his service of one term; unfortunately time constraints prevented him from offering to serve a second term. A plaque was shown to the board that would be presented to him at a later date.

7. The following Stipulation Orders were presented by Randy Forbes:

Trevor Clemons, DDS - Case 08-165 The action was based upon a Missouri discipline by probation of his license until May 5, 2010 for failing to properly secure a controlled substance, for failing to provide effective controls and procedures to guard against theft and diversion of controlled substances in his office, in that he left an open stock bottle containing approximately 500 tablets of Triazolam unsecured and unmonitored in an examination room with a patient. He dispensed controlled substances to patients at the office in plain white paper envelopes without a label showing the date, his name and address, the name of the patient, directions for use and the exact name and strength of the drug dispensed, constituting misconduct in the performance of his functions and duties as a licensed dentist. His license will be on probation in Kansas and he will be required to take the jurisprudence exam. **It was moved and seconded to approve the stipulation. The motion passed.**

Charles Webber, DDS - Case 08-97 The action is based upon a record review in which the records of many patients failed to adequately record disease, results of examinations and to document the patients have been fully informed of their dental problems and made ware of their treatment options. Fine of \$1000 and licensee is to create and maintain adequate clinical records and have a record review in six months. **It was moved and seconded to approve the stipulation. The motion passed.**

It was moved and seconded to add to the agenda a third proposed stipulation on Dr. Stephen Jones, DDS. The motion passed.

Stephen Jones, DDS - Case 08- 46. The action is based upon his use of Versed for sedation of a patient. He failed to record the amount used or method of delivery in the patient's record. For failing to maintain adequate records -: fine of \$1000. **It was moved and seconded to approve the stipulation. The motion passed.**

8. INVESTIGATIONS REPORT: Dr. Johnson described that 88% of offices have been inspected in the last 2 years. Approximately 4 or 4 1/2 % have not been inspected in 4 years or have never been inspected; the majority of those are new graduates who just opened a practice. The others, less than 100 may have a satellite office in smaller areas.

9. EXECUTIVE SESSION: **It was moved and seconded that the board move into executive session for consultation with the attorney for the agency which would be deemed privileged in the attorney-client relationship to begin at 10:20 a.m. until 10:55 a.m. The motion passed.** The board went into executive session at 10:20 a.m. The Board meeting reconvened at 10:55 a.m. At 10:55 a.m. it was moved and seconded that the board return to executive session to discuss matters related to litigation with counsel until 11:15 a.m. **The motion passed.** The Board went in to executive session at 10:55 a.m. and the open meeting reconvened at 11:15 a.m.

10. EXECUTIVE REPORT: Betty Wright described the budget cuts being made by the legislature for FY10. Currently the spending authority (budget) for FY10 is \$366,774. There will be an increase in our spending limit when the budget division provides figures for the market adjustment raises: a 10% raise for Vanda, and the 2.5% for Melissa. The current budget is \$9,379 down from FY09. We should be able to stay within that budget.

The board discussed the new breakdown of complaint cases and asked that the future newsletters contain this breakdown. They also instructed Ms. Wright to condense the AADE recordkeeping guidelines for education for the licensees by putting a condensed version in the newsletter, and posting a link on the Dental Board website.

11. PUBLIC FORUM –No comments.

12. COMMITTEE REPORTS: President Damall appointed both Dr. Milford and Dr. Hemberger to the Regulatory Review Committee. The Regulatory Review Committee described that there will be modifications needed to the pediatric provisions of the proposed sedation regulations. Since the revision would be substantial, they requested that the board cancel the public hearing scheduled for Sept. 18, 2009.

It was moved and seconded to cancel the public hearing for the sedation regulations scheduled for Sept 18, 2009. The motion passed. Ms. Wright was instructed to cancel the hearing. The latest draft of the sedation/anesthesia regulations were discussed.

Dr. Damall appointed Jim Showalter to be on the Finance Committee.

13. NEW BUSINESS. Dr. Stevens reported as the Licensing Member. He described that clarification is needed regarding accepting any state clinical examinations for new applicants. All applicants must provide the detail of their state board clinical exam scores, and he will determine if they are equivalent to what Kansas accepted at the time they were taken. Board staff will maintain a log of equivalent exams accepted, by state and year to use as a reference guide in the future.

RECESS: At 12:25 pm President Damall recessed the meeting for lunch.

RECONVENE: President Damall reconvened the Board meeting at 12:35 p.m.

Ms. Maus reported as the WREB hygiene representative that she is aware of a separate test administered by WREB – a dental hygiene anesthesia exam. Currently Kansas is not entirely clear on which hygiene schools provide instruction on local and nitrous administration.

The board discussed a request from the AADE to respond to an email survey regarding the board's position on having a national clinical examination. The board decided to respond that we do not have a consensus on that question.

Dr. Stevens reported as the Kansas dentist member to WREB.

Ms. Criser reported that she has resigned her position as the hygiene representative on ADEX. The KDB continues to accept the ADEX clinical exam.

14. Next meeting dates: October 30, 2009 in Topeka.


15. It was moved and seconded to adjourn at 2:00 p.m. The motion passed. The meeting was adjourned.

The following were guests at the public hearing:

Linda Taber, ED 5th District Dental Society; Owen De Long; (sp) Stadler; Gordon Ediger, DDS; Michelle Butler, Capitol Strategies; Jill Gottschamer, KDHA; Sherry Maher; Michelli Geary?; Kevin Robertson, KDA; Bert Oettmeier, DDS, KDA; Rob Herwig, DDS, KDA, John Stringer, DDS; Larre Betsworth, DDS; Gilbert Omido, DDS.

The following remained for the board meeting:

Jill Gottschamer, KDHA.

 9-11-09
Denise Maus, RDH Secretary date